

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6923 of 2024

Arising Out of PS. Case No.-408 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

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GUDDU TIWARI @ SUNIL TIWARI @ SUNIL KUMAR TIWARI @
GUDU TIWARI SON OF NARENDRA TIWARI RESIDENT OF VILLAGE
- BANARPUR, P.S. - BUXAR MUFFASIL, DISTRICT - BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate.

For the Opposite Party/s : Mr. Raj Kishor Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner apprehends his arrest in connection with Buxar Muffasil P.S. Case No. 408 of 2023, registered on 16.09.2023 for the offences under Sections 341, 323, 387, 354(B), 504, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, on account of some extortion demand by the petitioner and the co-accused, the petitioner hit the husband of the informant with iron rod causing a number of injuries to him. Further allegation against the petitioner is that he entered into the house of the informant and abused her and also tried to outrage her modesty.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. During the investigation it has come on record that the father-in-law of the informant has taken some money from the father of this petitioner and when they were reminded for payment of the money, they started quarreling with the petitioner who is son of the informant of Buxar Muffasil P.S. Case No. 409 of 2023. There is case and counter case between the parties. Moreover, injury report shows simple and superficial injuries. Learned counsel further submits that though altogether eight cases have been mentioned in criminal antecedent of this petitioner, except for one all other cases have been lodged by the authorities of Chausa Power Plant, since the petitioner and other persons used to agitate the matter of compensation on account of acquisition of their land.

5. Learned APP vehemently opposes the submission made on behalf of the petitioners. He submits that the petitioner is having a long criminal history and appears to be a habitual offender.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the counter version and further considering simple and non-

serious nature of injuries stated to be lacerated wounds over cheek and right leg and also considering the strong possibility of false implication, let the petitioner above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar in connection with Buxar Muffasil P.S. Case No. 408 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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